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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **N. Binz DeWalch**

Group Art Unit: **1723**

Serial No.: **10/641,378**

Date Filed: **August 13, 2003**

Examiner: **Kim, Yoon Young**

Title: **Method and Apparatus for  
Processing Substances in a Single  
Container**

Docket No.: **D30473USC2  
(PAT-DDD CIPA)**

**Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**

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Signature Blarina Rodriguez  
Date 8-28-06

EQ652851441US

TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified case are the following documents:

- ☒ Response to Restriction Requirement of February 27, 2006;
- ☒ Petition for Five-Month Extension of Time under 37 CFR 1.136(a);
- ☒ Fee Transmittal Form (Fee for extension of time for reply within the fifth month after the shortened statutory period);
- ☒ Credit Card Payment Form in the amount of \$1,080.00 (Extension for reply within the fifth month after the shortened statutory period);
- ☒ Power of Attorney executed by the assignee; and

☒ Return postcard.

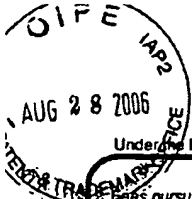
Respectfully Submitted,

Date:

August 28, 2006



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ATTORNEY FOR APPLICANT



PTO/SB/17 (01-06)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2006**☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,080.00

**Complete if Known**

Application Number	10/641,378
Filing Date	August 13, 2003
First Named Inventor	Norman Binz DeWaltch
Examiner Name	Kim, Yoon Young
Art Unit	1723
Attorney Docket No.	D30473USC2 (PAT-DDD CIPA)

**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☐ Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

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**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>
- 20 or HP =	x	=		<b>Fee (\$)</b> <b>Fee Paid (\$)</b>

HP = highest number of total claims paid for, if greater than 20.

<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
NA - 100 =	N/A / 50 =	N/A (round up to a whole number) x	N/A	N/A

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition for Five-Month Extension of Time 1080.00**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 57,028	Telephone 713-861-8993
Name (Print/Type)	Michael A. Evans	Date	August 28, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Date *8-28-06*

**RESPONSE TO RESTRICTION REQUIREMENT ISSUED FEBRUARY 27, 2006**

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**I. Request for Five-Month Extension of Time**

Applicant requests a five-month extension of time for reply to the Office Action of February 27, 2006.

## II. Response to Restriction Requirement

In response to the Restriction Requirement issued in the Office Action of February 27, 2006, Applicant objects on the grounds that the grouping of claims in the Restriction Requirement was not clear in view of the previous grouping of claims set forth during telephone interview on February 7, 2006 between the Examiner and the previous Attorney of Record, Mr. Gordon Arnold; Applicant is unsure about the criteria used to group the claims and the species in the Restriction Requirement of the Office Action of February 27, 2006.

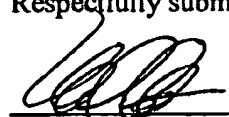
It is Applicant's understanding, based on the telephone interview on February 7, 2006, that the restriction requirement was as follows: Group I: Claim 1 and 72-89; Group II: Claims 2-7; Group III: Claims 8-54; Group IV: Claims 55-71; Group V: Claims 90-96; and Group VI: Claim 97.

Several attempts to reach the Examiner, by telephone from Houston and by telephone while Applicant was in Washington D.C., have been unsuccessful. Applicant respectfully requests that Examiner call the Attorney of Record, at the telephone number listed below, to clarify the Restriction Requirement and if there are other matters which can be discussed by telephone to advance prosecution of this application.

However, to move prosecution forward based on the Restriction Requirement issued in the Office Action of February 27, 2006, and without waiver of the above objection, Applicant hereby elects, with traverse, claims 1 and 72-89, which seemingly based on the Office Action, read on the second species; however, nothing in this election shall be seen as an admission of anything in the detailed action set forth in the Office Action or that the claims fail to read on other species.

Respectfully submitted,

Date: August 28, 2006

  
Michael A. Evans, Esq.

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